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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

**CHAD M. FARRINGTON, an
individual,**

Plaintiffs,

vs.

**MENTOR CORPORATION, a
corporation,**

Defendant.

No. CV-06-0237-EFS

**ORDER GRANTING AGREED
MOTION FOR ENTRY OF
PROTECTIVE ORDER**

16 This matter coming before the Court on the joint motion of the parties to
17 enter an agreed protective order relative to certain discovery responses to be filed
18 by the Defendant, Mentor Corporation, (hereinafter "Mentor"), the Court being
19 fully advised, the motion is granted and orders, by agreement of the parties:
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21 1. The Defendant Mentor will produce certain confidential documents
22 bearing certain Bates numbers in accordance with and subject to the following
23 terms and conditions:
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1 2. That portion of transcriptions, depositions, exhibits, answers to
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3 interrogatories or other documents produced, made, taken or filed with the Court
4 in connection with this action which contain or otherwise set forth information,
5 documents or other materials or the contents thereof which include trade secrets or
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7 confidential research, development or commercial information, shall be marked as
8 confidential and be subject to the Agreed Protective Order and the terms herein.

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10 3. The Defendant Mentor shall bear the burden of designating which
11 documents or other materials or portions thereof comprise or contain the
12 information to be protected. Upon motion of any party, the Defendant Mentor
13 shall have the burden of proving the need for protection pursuant to the applicable
14 Rules of Civil Procedure.

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16 4. Any such designated transcripts, depositions, exhibits, pleadings or
17 other documents containing such confidential information which is filed with the
18 Court shall be filed in sealed envelopes or other sealed containers which shall bear
19 the caption of this action and an indication of the nature of the contents of such
20 sealed envelope or container, the word "Confidential" and a statement
21 substantially stating that the envelope or container is not to be opened, nor the
22 contents thereof to be displayed or revealed except by express order of the Court.
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5. That the parties hereto, including their counsel, shall not give, show or otherwise divulge any documents or the contents thereof, or other materials or information produced in this action by the Defendant Mentor and marked as confidential, or the substance thereof or any copies, prints, negatives or summaries thereof, to any entity or person except their employees, members of their respective law firms, any officer or employee of a party and experts employed and retained by them or their counsel in connection with this specific litigation.

6. That the employees, members of their respective law firms, any officer or employee of a party and experts employed and retained by them or their counsel in connection with this specific litigation to which such designated documents, materials and information are intended shall use said information only for the purposes of this litigation and shall not give, show or otherwise divulge any of the documents, information or materials produced by the Defendant Mentor which are designated confidential, or the substance thereof, or any copies, prints, negatives or summaries thereof to any entity or person other than as noted above.

7. The parties and counsel for the respective parties to this litigation, employees of such law firms, any officer or employee of a party, and experts retained for the prosecution or defense of this litigation shall be provided with a copy of this order and be required to sign a copy of the acknowledgment which is

annexed to this protective order before being shown any of the “confidential”
information disclosed in response to discovery and covered by this Agreed

Protective Order. The executed copies of the acknowledgments shall be retained
by counsel to the parties so disclosing the “confidential” information.

8. That upon completion of the trial and any appeals in this action and the
satisfaction of any judgment, or upon conclusion of any settlement, counsel for the
parties herein shall return to the Defendant Mentor all documents and materials
produced by the Defendant Mentor which have been protected, including a return
of any and all copies, prints, and negatives thereof in the possession of said
parties, employees, members of their respective law firms and experts employed
and retained by them or their counsel in connection with this specific litigation,
except those comprising an appellate record or trial court record. Work product
summaries of protected documents and materials prepared by counsel for the
parties will be destroyed by said counsel at the conclusion of the litigation.

IT IS SO ORDERED. The District Court Executive is hereby directed to
enter this Order and furnish copies to counsel.

DATED this 4th day of October, 2006.

s/Edward F. Shea
United States District Judge